

RESPONSE AND REMARKS

CLAIM REJECTIONS UNDER SECTION 112

In the Office Action, the Examiner rejected Claims 42 and 48 as being indefinite under 35 U.S.C. §112, finding that the phrase "displayed on a predetermined number of lines" is indefinite.

The Examiner's rejections of Claims 42 and 48 have been carefully considered. For the reasons described further below, it is respectfully submitted that the rejected claims are not indefinite in view of previously submitted amendments.

It is respectfully submitted that neither Claim 42 nor Claim 48 recite "displayed on a predetermined number of lines". Rather, Claim 42 recites the limitation "...displayed on a first predetermined number of display lines of said display device ..." and "... displayed on a second predetermined number of display lines of said display device ...". Claim 48 recites the limitation "... displayed on said display device on a first pre-determined number of display lines of said display device ..." and recites "... displayed on said display device on a second pre-determined number of display lines of said display device ...".

It is respectfully asserted that the previously submitted amendments to Claims 42 and 48 resolve the Examiner's rejections under Section 112 in that the amended phrases are definite.

CLAIM REJECTIONS UNDER SECTION 103(a)

In the Office Action, the Examiner rejected Claims 5-20, 26, 27, 30-35, and 38-55 under 35 U.S.C. § 103(a) as being unpatentable over Kara (U.S. Patent No. 6,233,568; "Kara") in view of Nicholls et al. (5,631,827 "Nicholls") and Martin et al. (U.S. Patent No. 6,078,936; "Martin").

The Examiner's rejections under Section 103(a) have been carefully considered. Original Claims 21-24, 36, and 37 were previously withdrawn without prejudice. Claims 1-4, 25, 28, and 29 were previously cancelled. For

the reasons described further below, it is respectfully submitted that the cited references do not disclose, anticipate, teach or suggest all of the limitations of the Claims in view of previously submitted amendments. Accordingly, Claims 5-14, 15-21, 26-27, 30-35, and 38-55 remain in the application as previously presented. A Declaration under Section 132 is submitted herewith in support of the below-described distinctions between the claimed invention and the cited references. Reconsideration of the application in view of the Section 132 Declaration submitted herewith is respectfully requested.

In rejecting Claims 5-8, 10-12, 14-18, 26-33, 35, and 38-55 under Section 103(a), it is respectfully submitted that the Examiner did not, as is required under MPEP §2143, indicate how the cited references disclose, anticipate, teach or suggest, whether considered alone or in combination, each of the limitations of those Claims. For example, the Examiner did not state how the cited references disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitation of, e.g., Claims 7 and 17 (and a similar limitation of Claim 32 and another similar limitation of Claim 44), to:

receive a test image pattern indication input by the particular respective user via the particular respective remote client computer, wherein said test image pattern indication corresponds to at least one of: a first display pattern of the test image, or a second display pattern of the test image ...

A similar limitation as recited in Claim 32 is as follows:

a set of program instructions for receiving a test image pattern indication, input by the particular respective user via the particular respective remote client computer, wherein said test image pattern indication corresponds to at least one of: a first display pattern of the test image, or a second display pattern of the test image;

Another similar limitation as recited in Claim 44 is as follows:

receiving, via said global communications network, graphic resolution data from said client computer, said graphic resolution data indicating one or more graphic resolution characteristics of said displayed version of said test image;

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It is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest the above-described limitations and that, therefore, Claims 7, 17, 32, and 44 are in condition for allowance.

It is respectfully submitted that, in rejecting Claims under Section 103(a), the Examiner did not state how the cited references disclose, anticipate, teach or suggest, whether considered alone or in combination, the following limitation of Claim 10, 20 and 35 (and a similar limitation of Claims 11 and 26):

wherein the at least one image resolution characteristic is determined according to an indication input by a user of the particular respective remote client computer of a pattern of display of a test image transmitted to the particular respective remote user client computer by the computer system

A similar limitation as recited in Claims 11 and 26 is as follows:

wherein the set of graphic resolution characteristics of the display device is determined according to an indication input by the particular user of a pattern of display of a test image transmitted to the particular remote user client computer device by the computer system

It is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest the above-described limitations and that, therefore, Claims 10, 11, 20, 26, and 35 are in condition for allowance.

Further, in rejecting Claims 5-8, 10-12, 14-18, 26-33, 35, and 38-55 under Section 103(a), the Examiner cited Figure 6 and column 4, lines 49-54 of Kara, as supporting the proposition that "Kara ... is programmed to recognize a set of graphic resolution characteristics of a printer device."

With respect to the Examiner's citation of Kara, it is respectfully noted that the Claims as previously amended with the Response filed with the Request for Continued Examination, no longer recite the limitation "recognize a set of graphic resolution characteristics of a printer device." Rather, Claim 7, for example, was amended to recite "... determine a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication ...". Other Claims, e.g., Claims 11, 17, 26, and 32, were also amended, for

example, by deleting the term "recognizing" and adding the limitation of "determining ...".

Further, it is respectfully asserted that Kara does not disclose, anticipate, teach or suggest that the Kara system is programmed to "... determine a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication ...", where, as recited in various rejected Claims, e.g., rejected Claims 7, 17, and 32, the subject display device "... is configured for communication with the particular *remote user client computer device.*" To the contrary, Kara discloses that:

WINDOWS printer drivers, supplied with the WINDOWS system and *apart* from the [Kara] system, can change for any given printer installed, *isolating* an application program [such as the Kara system] from the innate differences of these printers in a fashion known as "device independence" also well known in the art. The driver, in steps 655 and 656 [elements depicted in Kara's Figure 6], does its work of printing on the envelope, 654, which has already been inserted in the printer.

Kara, col. 26, lines 60-67 (emphasis added); see also, Declaration Under 37 C.F.R. Section 132 by William Smith, regarding Application Serial Number 09/684,152, Paragraph 21.

It is respectfully asserted that a method or system for "... determin[ing] a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication ..." as recited in, e.g., Claim 7, wherein the subject display device "... is configured for communication with a particular *remote user client computer device* ..." is patentably distinct from the disclosure in Kara of a WINDOWS® printer driver that is "... [installed on a remote computer device] *apart* from the [Kara] system ...". *Id.* It is respectfully asserted that the difference is patentable because, as disclosed in Kara, the Kara system is device independent because it is *isolated* from the WINDOWS® software [installed on a remote computer device] that can change for any given printer installed [with the remote computer device].

As compared to a system such as is disclosed in Kara that in order to be device independent, is isolated from, and relies on, software that is installed on a particular remote computer device, such as a WINDOWS® printer driver that has

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direct access to information regarding display and/or print characteristics of peripheral devices (See Declaration Under 37 C.F.R. Section 132 by William Smith, regarding Application Serial Number 09/684,152, Paragraph 22), it is respectfully asserted that the system, method and/or computer program product claimed in Claims 7, 17 and 32 are for "... determin[ing] a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication ...", wherein the subject display device "... is configured for communication with a particular *remote user client computer device* ..." (emphasis added). Notably, as compared to a WINDOWS® printer driver installed on a remote computer that has direct access to information concerning that remote computer and peripheral devices such as display and printing devices configured with that remote computer (See Declaration Under 37 C.F.R. Section 132 by William Smith, regarding Application Serial Number 09/684,152, Paragraph 22), e.g., Claim 7 recites that the claimed system is accessed via browser software installed on a respective remote client computer and that the claimed system determines graphic resolution characteristics corresponding to a display device configured for communication with the particular respective remote client computer.

In the Office Action, the Examiner states that Kara and Nicholls fail "to specifically disclose the display being electronically formatted for a particular printing device, where the system recognized the graphic resolution characteristics of the shipping device for printing." The Examiner then cites Martin's abstract, and Martin, column 9, lines 43-55; Martin, column 10, lines 16-23, and Martin, column 14, lines 11-21 as supporting disclosure of "... the use of a display with a resolution to display images being dimensionally accurate, and to display the image as it would appear on an output device such as a printer."

It is respectfully submitted that the rejected Claims, as previously amended, do not recite "... the use of a display with a resolution to display images being dimensionally accurate, and to display the image as it would appear on an output device such as a printer ...". Rather, for example, Claim 17, recites:

sending a test image to a particular respective remote client computer used by a particular respective user for display, via a browser software executing on the particular respective remote client computer, on a display device that is configured for communication with the particular respective remote client computer;

receiving a test image pattern indication, input by the particular respective user via the particular respective remote client computer, wherein said test image pattern indication corresponds to at least one of: a first display pattern of the test image, or a second display pattern of the test image;

As compared to the limitations recited by the rejected Claims of the present application, Martin discloses:

...a group of techniques that alleviate the problem of visualizing how a specific device operating in a particular way would present an image. The techniques employ a display with sufficient resolution to present images as they would appear when presented on another type of image output devices. Each technique uses data defining a starting image to obtain data defining a version of the starting image that can be presented on the display *to show the starting image as it would appear when presented by an image output device of another type*. Each technique provides the data defining the version to the display so that the display presents the version of the starting image, showing the starting image as it would appear when presented by an image output device of the other type.

Martin, col. 2, lines 42-55 (emphasis added). That is, Martin discloses displaying an image as *that image* "... would appear when presented on another type of image output device...." Id.

As compared to displaying an image as *that image* would appear on a peripheral output device as disclosed in Martin, it is respectfully submitted that e.g., Claims 7, 17, and 32 of the present application are directed to "sending a *test* image to a particular respective remote client computer used by a particular respective user for display, via a browser software executing on the particular respective remote client computer, on a display device that is configured for communication with the particular respective remote client computer...". It is respectfully submitted that the *test* image is so displayed as claimed in, e.g., Claim 17, in order to "... determin[e] a set of graphic resolution characteristics corresponding to the display device [on which the test image is displayed]

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according to the test image pattern indication [received from a particular respective user] ...", so that "... an image for dimensionally accurate printing on a printing device that is configured for communication with the particular respective remote client computer ..." can be generated.

According to various embodiments of the subject matter claimed in, e.g., Claims 7, 17, and 32, the image for dimensionally accurate printing would be generated "... comprising graphic characteristics consistent with the set of graphic resolution characteristics ..." that are determined "... corresponding to the display device according to the test image pattern indication ...".

It is respectfully asserted that various embodiments of the subject matter claimed in, e.g., Claims 7, 17 and 32 may be useful for determining graphic resolution characteristics of remote display devices wherein browser software installed on the remote computer device with which the remote display device is configured is used to access the claimed computer system (as recited in, e.g., Claim 7, "... each user of each respective remote client computer accesses the computer system using browser software installed on the respective remote client computer over a communications network ..."), where such browser software does not provide direct access by the claimed computer system to, or is not used by the claimed computer system to directly access, information about peripheral devices configured with the computer device used to access the computer system. See Declaration Under 37 C.F.R. Section 132 by William Smith, regarding Application Serial Number 09/684,152, e.g., Paragraphs 12, 13, and 26.

As compared to the limitations of various of the rejected Claims that recite that "... each user of each respective remote client computer accesses the computer system using browser software installed on the respective remote client computer over a communications network ...", Martin discloses a computer system that has, and relies on, *direct communication for output* with peripheral display and printing devices. See Declaration Under 37 C.F.R. Section 132 by William Smith, regarding Application Serial Number 09/684,152, Paragraph 27.

For example, with reference to FIG. 11 of *Martin*, *Martin* discloses a processor 186 with image input circuitry 182 that can receive image *input* from various sources, including, among others, a network 216 (*Martin*, col. 14, line 34 (emphasis added)). Further, according to *Martin*, processor 186 can be connected for providing *output* images to one of several output devices (*Martin*, col. 14, lines 5-20 (emphasis added)).

As compared to a system such as in *Martin* that has, and relies on, *direct communication for output* with a peripheral display or printing device, e.g., Claim 7 recites that "... each user of each respective remote client computer accesses the computer system using browser software installed on the respective remote client computer over a communications network ..."; Claim 7 further recites "... send[ing] a test image ...; receiv[ing] a test image pattern indication input by the particular respective user ...; determin[ing] a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication; and generat[ing] an image to be printed ... compris[ing] graphic characteristics consistent with the set of graphic resolution characteristics ...". It is respectfully submitted therefore, that *Martin*, whether considered alone or in combination with any other reference of record, does not disclose, anticipate, teach or suggest, all of the limitations of, e.g., Claim 7 (see also Claim 17 (method), and Claim 32 (computer program product)) that recites that "... each user of each respective remote client computer accesses the computer system using browser software installed on the respective remote client computer over a communications network ..."; Claim 7 further recites "... send[ing] a test image ...; receiv[ing] a test image pattern indication input by the particular respective user ...; determin[ing] a set of graphic resolution characteristics corresponding to the display device according to the test image pattern indication; and generat[ing] an image to be printed ... compris[ing] graphic characteristics consistent with the set of graphic resolution characteristics ...".

For the foregoing reasons, it is therefore respectfully asserted that Claims 7, 17 and 32 are in condition for allowance.

For reasons similar to those described above with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claims 5, 15, and 30, for example, for "generat[ing] an electronic representation of a shipping label ... wherein said electronic representation of the shipping label is generated according to a set of graphic resolution characteristics corresponding to a display device that is remote to the computer system ..." "... wherein each respective user accesses the computer system over a communications network using a respective set of computer software installed on each respective remote user client computer device, wherein each respective set of computer software used to access the computer system is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network ...". For example, it is respectfully submitted that there is no disclosure in Kara that the Kara system generates an electronic representation of a shipping label *according* to a set of graphic resolution characteristics corresponding to a display device that is remote to the Kara computer system. As compared to generating an image *according* to a set of graphic resolution characteristics corresponding to a display device that is remote to the Kara computer system, Kara specifically discloses, as previously described above, reliance on WINDOWS® software *apart* from the Kara system. It is therefore respectfully asserted that Claims 5, 15, and 30 are in condition for allowance.

Further, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claims 6, 16, and 31 for, e.g., "creat[ing] a shipping label image ... wherein said shipping label image is created *according* to a set of graphic resolution characteristics corresponding to a display device that is remote to the computer system ...". It is therefore respectfully asserted that Claims 6, 16, and 31 are in condition for allowance.

Yet further, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claims 8, 18, and 33 for, e.g., "... generat[ing] a shipping label ... wherein said shipping label is generated ... according to a set of image resolution characteristics for a display device that is configured for communication with the respective remote client computer device used by the particular user." It is therefore respectfully asserted that Claims 8, 18, and 33 are in condition for allowance.

Still further, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claims 10, 20, and 35 for "graphically siz[ing] a shipping label symbology ... according to at least one image resolution characteristic of a remote display device configured with the particular respective remote client computer, wherein the at least one image resolution characteristic is determined according to an indication input by a user of the particular respective remote client computer of a pattern of display of a test image transmitted to the particular respective remote user client computer by the computer system, wherein said pattern of display of the test image is determined according to browser software installed on the particular remote user client computer device, and wherein the browser software is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network." It is therefore respectfully asserted that Claims 10, 20, and 35 are in condition for allowance.

Further still, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the

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limitations recited in Claims 11 and 26 for ". . . determining a set of graphic resolution characteristics of a display device that is configured with the particular remote user client computer device . . . wherein the set of graphic resolution characteristics of the display device is determined according to an indication input by the particular user of a pattern of display of a test image transmitted to the particular remote user client computer device by the computer system, wherein said pattern of display of the test image is made via computer software installed on the particular remote user client computer device . . .". It is therefore respectfully asserted that Claims 11 and 26 are in condition for allowance.

Further yet, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claim 38 for ". . . identifying a set of graphic resolution characteristics of a display device associated with said [geographically remote] client computer. . . .". It is therefore respectfully asserted that Claim 38 is in condition for allowance.

Further, for reasons similar to those described above with respect to limitations of Claims 5, 15, and 30, and with respect to limitations of Claims 7, 17 and 32, it is respectfully asserted that the cited references do not disclose, anticipate, teach or suggest, whether considered alone or in combination, the limitations recited in Claim 44 for ". . . using . . . graphic resolution data [indicating one or more graphic resolution characteristics of a displayed version of a test image as displayed on a display device associated with a client computer] to determine a particular remote image resolution for printing said particular image on a printer associated with said client computer. . . .". It is therefore respectfully asserted that Claim 44 is in condition for allowance.

CONCLUSION

For all of the foregoing reasons, it is therefore respectfully submitted that the independent Claims of the present application as previously amended, and

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therefore the claims that are dependent on them, are patentable over the cited references and are therefore in condition for allowance.

In view of the foregoing amendments, and for the foregoing reasons, Applicant respectfully submits that the invention disclosed and claimed in the present application as amended is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of the application.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By Marilyn R. Khorsandi
Marilyn R. Khorsandi
Reg. No. 45,744
626/796-2856